

Update: Crime Victim Rights Manual (Revised Edition)

CHAPTER 8

The Crime Victim at Trial

8.14 Former Testimony of Unavailable Witness

C. Defendant's Right to Confront the Witnesses Against Him or Her

Replace the last paragraph on page 264 with the following text:

In *People v Walker*, ___ Mich App ___, ___ (2006),* the defendant repeatedly beat the victim and threatened to kill her. The victim jumped from a second-story balcony and ran to a neighbor's house, and the neighbor called the police. The victim made statements to the neighbor, who wrote out the statements and gave them to the police. Police officers arriving in response to the neighbor's 911 call also questioned the victim. The *Walker* Court concluded that the crime victim's statements to her neighbor and to the police were improperly admitted because they constituted testimonial statements for purposes of the Confrontation Clause. A child-victim's statement to an interviewer at a children's assessment center does not constitute testimonial evidence under *Crawford* and therefore is not barred by the Confrontation Clause. *People v Geno*, 261 Mich App 624, 630–631 (2004).

*Reversing
People v Walker, 265 Mich App 530 (2005).

CHAPTER 10

Restitution

10.8 Amount of Restitution Required

Insert the following text after the first paragraph in this section near the bottom of page 325:

The amount of restitution ordered may include the cost of labor necessary to determine the value of property lost as a result of a defendant's criminal conduct, as well as the labor costs involved in replacing the lost property. *People v Gubachy*, ___ Mich App ___, ___ (2006).